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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Gibraltar

Working paper prepared by the Secretariat

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I. General

1. Gibraltar is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory is a narrow peninsula extending southward from the south-west coast of Spain, to which it is connected by an isthmus about 1.6 kilometres long. The Spanish port of Algeciras lies 8 kilometres across the bay to the west; the continent of Africa is situated 32 kilometres across the Strait of Gibraltar to the south. According to the administering Power, the area of Gibraltar is 5.8 square kilometres; according to Spain, which claims sovereignty over the Territory, it is 4.8 square kilometres. Issues relating to the water off Gibraltar continue to be a subject of contention. According to the administering Power, in 2008 the Territory had a population of 29,286.[1]

II. Constitutional, legal and political issues

2. The Gibraltar Constitution Order 2006 came into force on 2 January 2007. Under the Constitution, as previously reported, the Governor of Gibraltar represents the British crown in the Territory and is responsible for the conduct of external affairs, defence, internal security (including the police, in conjunction with the Police Authority for Gibraltar) and for certain appointments as conferred on him by the Constitution. The Governor, together with the Council of Ministers, constitutes the Government of Gibraltar. Following an election, the Governor, acting at his discretion, shall appoint as Chief Minister the elected member of the Parliament who, in his judgement, is most likely to command the greatest measure of confidence among the elected members of the Parliament. Other ministers shall be appointed by the Governor, acting in accordance with the advice of the Chief Minister, from among the elected members of the Parliament.

3. Gibraltar has a Supreme Court allowing for appeals to a Court of Appeal and thence to Her Majesty in Council, acting on the Privy Council's advice. The 2006 Constitution provides for the establishment of a Judicial Service Commission, which was set up under the Judicial Service Act 2007, Act No. 2007-26. The Commission has executive powers, subject only to an exceptional power of veto by the Governor, to advise the Governor in respect of certain matters, such as the appointments to the offices of the Chief Justice and other members of the judiciary. The Governor, with the prior approval of a Secretary of State, may disregard the advice of the Commission in any case where he judges that compliance with that advice would prejudice the British crown's service. In November 2009, the Commission met to consider the advice from the Judicial Committee of the Privy Council in London concerning the question of the Chief Justice suspended since early 2008, as reflected in working paper A/AC.109/2008/8, and opted for the removal of the Chief Justice by a majority of 4 to 3. According to information published by the territorial Government, on 18 November 2009, acting on the advice received from the Judicial

Note: The information contained in the present paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations and from information provided by the Government of Spain and other published sources, including those of the territorial Government.

[1] Information provided by the administering Power, 5 January 2010.

Service Commission, the Governor carried out the removal by means of dismissal of the Chief Justice.

4. Under the Gibraltar Constitution of 2006, the British crown retains full power to make laws from time to time for the peace, order and good government of Gibraltar. Included in those powers are laws amending or revoking the Constitution. The Constitution also makes provisions regarding crown lands in Gibraltar.

5. According to the 2006 Constitution, the Governor shall dissolve Parliament in preparation for the next general election four years from the date of the first meeting of Parliament after any general election, unless it has already been dissolved.

6. The last general elections in Gibraltar were held on 11 October 2007. The incumbent Gibraltar Social Democratic Party obtained 49 per cent of the vote, followed by the Gibraltar Socialist Labour Party, with almost 32 per cent and the Liberal Party with over 13 per cent. Peter Caruana, leader of the Gibraltar Social Democratic Party, was reappointed Chief Minister of Gibraltar for a fourth term. Joseph Bossano of the Gibraltar Socialist Labour Party continues as leader of the opposition, which comprises the Gibraltar Socialist Party and the Liberal Party. The next elections are due to be held by the end of October 2011.

7. After a 10-year campaign to exercise the right to vote in European elections, in June 2004 Gibraltarians took part in European parliamentary elections, based on the fact that they were considered by the administering Power to be part of the south west England region for electoral purposes.

8. As previously reported, Spain maintains the position that the 2006 Constitution represented a modernization of the Territory's Government that in no way affects the international capacity of Gibraltar, that its adoption was a reform of the colonial regime, which remains unaltered; and that it did not affect in any way the pending decolonization process of Gibraltar, to which the principle of self-determination does not apply.

9. Information on the positions of the administering Power, the territorial Government and the Government of Spain, as well as on the trilateral Forum of Dialogue on Gibraltar, including agreements reached in 2006 at Cordoba, is reflected below.

III. Budget

10. In the budget speech delivered on 25 June 2009, the Chief Minister gave a positive account of Gibraltar's public finances. According to information provided by the administering Power, the territorial Government's revenue was £262.1 million as at 31 March 2009 and its expenditure stood at £182.5 million, with £105.8 million approved expenditure on capital projects for 2009/10.

11. The Chief Minister's budget speech of 25 June 2009 underlined the importance of Gibraltar's freedom to have its own tax system, separate and different from that of the United Kingdom. This was considered absolutely essential to the Territory's continued economic, and thus social and political, viability. The Chief Minister further indicated that the exempt status tax regime would end by 31 December 2010, when new corporate tax rates would come into effect. With regard to personal taxation, the territorial Government had introduced a dual tax system under which

taxpayers could choose between two different systems. One, known as the Allowance-Based System, was the traditional system; the other was known as the Gross Income-Based System, under which the tax rates were lower, but the taxpayer was entitled to no allowances.

IV. Economic conditions

A. General

12. Gibraltar has no known natural resources and lacks agricultural land. Prior to 1980, the economy was largely dependent on United Kingdom Ministry of Defence expenditures. With the downsizing of the military base, the economy has increasingly become focused on tourism and the provision of financial services, including banking, insurance, shipping and portfolio management.

13. As previously reported, the Ministry of Defence of the United Kingdom employs around 8 per cent of the Territory's labour force and contributes about 7 per cent of Gibraltar's gross domestic product (GDP). According to the Ministry's annual report 2008-2009, Gibraltar continued to provide a forward mounting base for United Kingdom Armed Forces providing security, logistic communications and training facilities in support of operations. Management of the built estate on the Permanent Joint Operating Bases overseas in Gibraltar is delivered through a series of infrastructure support provider contracts. Further information concerning Gibraltar's military installations and strength can be found in previous working papers (A/AC.109/2005/11, A/AC.109/2008/8 and A/AC.109/2009/15).

14. In his 2009 budget speech, the Chief Minister stated that Gibraltar's economy had continued to grow at a healthy rate and that the number of jobs in the economy had also continued to grow to record levels. The prospects for the Territory's economy remained sound and stable. In the year ending 31 March 2009, GDP was provisionally estimated to have grown by nearly 6 per cent to £850 million. According to the administering Power, per capita GDP stood at £27,468 and the inflation rate at 2.8 per cent as at October 2009.

B. Trade

15. According to the administering Power, Gibraltar's total imports were approximately £1.6 billion for 2008, the latest available figure. Around 29 per cent of Gibraltar's non-fuel imports originated from the United Kingdom. Other sources included Germany, the Netherlands and Spain. Gibraltar's total exports in 2007 were approximately £1.3 billion. Exports were mainly re-exports of petroleum and petroleum products supplied to shipping.

C. Banking and financial services

16. Gibraltar has a well-developed financial sector, which is regulated by an independent statutory body, the Financial Services Commission. The Gibraltar Finance Centre is charged with the marketing and promotion of financial services. According to an independent review of British offshore financial centres published

in October 2009, commissioned by the Government of the United Kingdom, the 12 banks operating in Gibraltar are large multinational operations, which have either significant home state public ownership or have tacit or explicit state support. The remaining banks are primarily smaller wealth managers. The review indicated that Gibraltar had "substantially implemented" the principles of transparency and exchange of information developed by the Global Forum of the Organization for Economic Cooperation and Development, which have been endorsed by countries around the world.

17. For their part, Spain, the United Kingdom and Gibraltar, gathering at the ministerial meeting of the Forum of Dialogue on 21 July 2009 in Gibraltar, highlighted with regard to financial services and taxation their desire to establish normal lines and methods of cooperation, including exchange of tax information, and regular contacts, liaison and exchanges between regulatory authorities on taxation and anti-money-laundering issues and policies.

D. Transportation, communications and utilities

18. Regarding road transportation in and out of Gibraltar, the arrangements agreed upon at Córdoba and which came into force on 20 December 2006, including the introduction at the fence/frontier of lanes in both directions and red and green channels for both people and vehicles, continue to be in place. Customs and police checks remain necessary, since Gibraltar does not belong to the European Union customs union. Moreover, the United Kingdom (and thus Gibraltar) is outside the so-called Schengen area for external borders purposes.

19. The United Kingdom Government continues to be responsible for all international obligations relating to aviation safety and security in respect of Gibraltar Airport, a military airfield available for civilian flights, with the Ministry of Defence retaining ownership of and operational responsibility for the military aviation aspects of the airfield, as previously reported. In 2009, according to Royal Air Force figures, the airfield was run by approximately 45 servicemen, commanded by a wing commander.

20. As reflected in the communiqué resulting from the third ministerial meeting of the Forum of Dialogue, held in Gibraltar on 21 July 2009, the participants reviewed progress on the implementation of the Córdoba statements, including the Airport Declaration. The participants confirmed their commitment to further improvements in fluidity at the fence/frontier, and undertook to engage each other further to bring this about.

21. As the Strait of Gibraltar is a principal water route between the Mediterranean Sea and the rest of the world, Gibraltar is used as a port by many long-distance liners and cargo ships. According to the territorial Government's 2009 budget statement, port business continued to perform well and was firmly established as a profit centre for the Government. According to the aforementioned July 2009 communiqué of the Forum's third ministerial meeting, the participants agreed to seek to ensure a high level of environmental protection in Gibraltar and the whole region, especially the Campo de Gibraltar, by proposing cooperation in such areas as pollution from maritime activity and traffic, bunkering operations, industrial emissions and water discharges, waste disposal and land reclamations; to take forward their desire to cooperate in maritime communications and safety issues; and

to seek ways of further facilitating the Moroccan community in Gibraltar to transit Spain en route to and from Gibraltar and Morocco on family visits.

E. Tourism

22. According to the territorial Government, tourism had an excellent year in 2008, and the trend appeared to continue in 2009. Arrivals over the land border reached a new record of 9.43 million, an increase of 7 per cent. Vehicle arrivals, air arrivals, museum visitors, cruise liner passengers and hotel arrivals and room nights sold all climbed to record levels. Yacht arrivals also rose slightly. As previously reported, arrivals in Gibraltar by land comprise mainly day visitors arriving from Spain, arrivals by air are primarily from the United Kingdom, and arrivals by sea comprise ferry arrivals from Morocco and day-trip arrivals from cruise ships.

V. Social conditions

A. Labour

23. In 2009, the Chief Minister stated that Gibraltar's employment remained at record levels and job security had not significantly deteriorated. According to the administering Power, as at October 2008, the number of people employed by the five largest economic sectors was as follows: banking and finance (2,960); building and construction (2,913); wholesale and retail trade (2,223); public administration and defence (1,963); and gambling and betting activities (1,952); unemployment stood at 2.9 per cent.

B. Human rights

24. As previously reported, the following major international human rights instruments apply in Gibraltar: the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination. Gibraltar's Constitution of 2006 includes an updated chapter on the fundamental rights and freedoms of the individual.

C. Social security and welfare

25. The social security and welfare sectors in Gibraltar continue to be governed by the Social Security (Employment Injuries Insurance) Act (1952), under which benefits are paid for injury, disablement and industrial deaths; the Social Security (Closed Long-Term Benefits and Scheme) Act (1996) and the Social Security (Open Long-Term Benefits Scheme) Act (1997), which cover old-age pensions, guardian allowances and widow/widower benefits; and the Social Security (Insurance) Act (1955) and the Social Security (Non-Contributory Benefits and Unemployment

Insurance) Act (1955), which include maternity grants, maternity allowances and death grants.

26. According to the Chief Minister's 2009 budget speech, the maximum weekly social insurance contribution rose by 4 per cent in respect of both employers' and employees' contributions as at 1 July 2009. Moreover, in an effort to standardize pension rights, with effect from 1 July 2009, discrimination was eliminated so that a widower and his children would have the same rights on the death of his wife/their mother as those of a widow and her children on the death of her husband/their father.

D. Public health

27. The Gibraltar Health Authority is responsible for providing health care in the Territory. According to the territorial Government's 2009 budget statement, the expenditure of the Authority for the period 2008/09 was £67 million. As previously reported, the St. Bernard's Hospital at Europort opened in 2005 to provide a comprehensive outpatient service, as well as inpatient treatment for acute medical and surgical cases. In 2009, it was estimated that life expectancy in Gibraltar was approximately 77 years for males and 83 years for females, and the population growth rate was estimated to be 0.1 per cent.[2]

E. Education

28. Education in Gibraltar is governed by the Education and Training Act of 1974. According to information provided by the administering Power, education is free and compulsory for children between the ages of 4 and 15, and the language of instruction is English. Public education in Gibraltar comprises 11 primary schools and two secondary schools, as well as the Gibraltar College of Further Education and the Vocational Training Centre, serving almost 5,000 pupils in 2009. According to the administering Power, expenditure on education during the year ending on 31 March 2009 was approximately £23.8 million. Students who obtain a place at a United Kingdom university are entitled to Gibraltar Government scholarships.

29. According to the communiqué resulting from the aforementioned third ministerial meeting of the Forum of Dialogue, the participants agreed on the importance and value of the promotion of educational and cultural understanding, and of encouraging bilingualism and educational exchanges and opportunities in Gibraltar and the region, and identified concrete areas for negotiation to enhance this agenda.

30. As previously reported, in September 2006, in its joint ministerial statement, the Forum of Dialogue on Gibraltar welcomed the proposal of the Government of Spain to open an Instituto Cervantes in Gibraltar. At the ministerial meeting of the Forum held in July 2008, the participants agreed that they would seek to enhance educational cooperation at all levels and that the early establishment of the Instituto Cervantes in Gibraltar would contribute to the achievement of those objectives. According to the aforementioned communiqué of July 2009, the Forum's

[2] See Central Intelligence Agency, *The World Factbook*, www.cia.gov.

participants looked forward to the Instituto starting activities from premises in Market Lane.

F. Crime and crime prevention

31. Law enforcement in the Territory continues to be the responsibility of the Royal Gibraltar Police, in conjunction with the Gibraltar Police Authority established under the Police Act 2006. In accordance with the Act, the Governor has overall, ultimate responsibility for the integrity, probity and independence of policing in Gibraltar and for the policing aspects of national security, including internal security.

32. The 2008/2009 annual report from the Gibraltar Police Authority points to a significant year-on-year rise in crime levels, with the total number of crimes recorded as having increased from nearly 3,700 to approximately 3,900. According to Police Authority data, this is a five-year high.[1]

33. According to the communiqué resulting from the aforementioned third ministerial meeting of the Forum of Dialogue, the participants agreed that there should be full cooperation in the common objective to fight crime, whether local or international, and to address the particular challenge of organized crime, and listed a series of areas in which they would seek agreement to ensure that this occurred, including exchange of information, joint operations, simplified and clear channels of communication and agreed procedures.

VI. Forum of Dialogue on Gibraltar

34. Negotiations between the United Kingdom and Spain on the subject of Gibraltar led in 2004 to the establishment of a Forum of Dialogue on Gibraltar, separate from the Brussels Process, as previously reported. Since the establishment of the Forum, there have been several rounds of discussions, both before and after the ministerial meeting of the Forum on 18 September 2006, when agreement was reached on a package of issues, now known as the Córdoba Statements, and on 2 July 2008, when the three sides endorsed at a second ministerial meeting the broad objectives of future agenda issues encompassing cooperation in six areas, namely, the environment; financial services and taxation; judicial, customs and police cooperation; education; maritime communications and safety; and visa-related issues.

35. On 21 July 2009, the Minister for Foreign Affairs of Spain, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, and the Chief Minister of Gibraltar held, in Gibraltar, the third ministerial meeting of the Forum under the terms of the joint communiqué of 16 December 2004. According to the resulting communiqué, the participants reconfirmed their commitment to the creation of a constructive atmosphere of mutual confidence and cooperation for the benefit and prosperity of Gibraltar and the whole region, in particular the Campo de Gibraltar, and endorsed the notion that cooperation and mutual trust should become the norm.

[1] Gibraltar Police Authority Annual Report 2008-2009, 31 March 2009.

36. Furthermore, the participants agreed on a detailed framework for forthcoming negotiations to take forward their agenda on the six issues for the second phase of the Forum's work that was agreed upon in London the previous year. The participants committed themselves to reaching agreements in these areas as soon as possible and, in any event, by the following year's ministerial round envisaged for 2010. They also reaffirmed that, as was the case with the Córdoba Statements, any agreements in these areas would have no implications whatsoever regarding sovereignty and jurisdiction.

37. Subsequently, in January 2010, the participants decided that representatives of the Governments of Spain, the United Kingdom and Gibraltar would meet over the upcoming few weeks to take forward talks on the six areas of cooperation, subsequently referring any accomplishments to the Forum, where work would continue with a view to reaching agreements at the 2010 ministerial meeting of the Forum.

38. Further information on various areas of implementation and cooperation under the Forum is reflected above in the appropriate sections.

VII. Future status of the Territory

A. Position of the administering Power

39. In a statement at the 6th meeting of the Special Political and Decolonization Committee (Fourth Committee), held on 9 October 2009, the Deputy Permanent Representative of the United Kingdom to the United Nations, Philip Parham, intervened in exercise of the right of reply. As reflected in the summary record (A/C.4/64/SR.6), the Deputy Permanent Representative, inter alia, welcomed the continued progress of the trilateral process of dialogue between his Government and the Governments of Spain and Gibraltar, which was making a real difference for people on both sides of the border. The United Kingdom Government continued to enjoy very cordial relations with Spain and to work constructively on all Gibraltar-related issues. The Córdoba agreements were without prejudice to the respective views of the United Kingdom and Spain on sovereignty, regarding which the United Nations did not take a view. He reaffirmed the United Kingdom's long-standing commitment to the people of Gibraltar that it would never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes, and confirmed that it would not enter into a process of sovereignty negotiations with which Gibraltar was not content. While the United Kingdom delegation would join in the consensus resolution on Gibraltar, the reference to the Brussels Process had to be seen in that context. The implications of Gibraltar's well-known position on the Brussels Process, as regarded both sovereignty and bilateralism between the United Kingdom and Spain, were clear.

40. The Deputy Permanent Representative went on to say that Gibraltar's 2006 Constitution provided for a modern and mature relationship between Gibraltar and the United Kingdom. That description would not apply to any relationship based on colonialism. It was regrettable that, thus far, the Special Committee's outdated approach did not seem to have recognized that situation and that the criteria used by the Committee in considering whether a Non-Self-Governing Territory should be de-listed failed to take it into account.

41. The Deputy Permanent Representative concluded his intervention on the question of Gibraltar by saying that the 2006 Constitution did not in any way diminish the United Kingdom's sovereignty over Gibraltar or its full international responsibility for Gibraltar, including its external relations and defence, and as the Member State responsible for Gibraltar in the European Union. That fully accorded with the freely expressed views of the people of Gibraltar. The United Kingdom Government did not accept that the principle of territorial integrity had ever been applicable to the decolonization of Gibraltar, nor did it accept that the existence of a sovereignty dispute implied that the people of Gibraltar did not have the right to self-determination.

B. Position of the territorial Government

42. Speaking to the Fourth Committee on 7 October 2009, the Chief Minister of Gibraltar, Peter Caruana, stated, as reflected in the summary record (A/C.4/64/SR.4), that the sovereignty of Gibraltar was neither the United Kingdom's to give away, nor Spain's to demand. Nor was Gibraltar a part of Spain, and its self-determination therefore did not affect Spain's territorial integrity.

43. Moreover, the Special Committee on decolonization had taken to fabricating extraordinary and untenable rules, such as its suspension of the principle of self-determination for Territories affected by a sovereignty dispute. Gibraltar had therefore been obliged to bypass the Special Committee and secure decolonization by other means. In doing so, it had relied on General Assembly resolution 2625 (XXV), which provided that the emergence into any political status suitable to a Territory's circumstances that was freely determined by the people of the Territory constituted an act of self-determination.

44. Continuing, the First Minister said that the decolonization of Gibraltar had already taken place not only in practice but also in law, by virtue of Gibraltar's Constitution. Gibraltar was a democratic, modern, prosperous and self-governing country. The idea that its status could be the subject of a deal between two other States was untenable, as was Spain's sovereignty claim, which lay outside the competence of the Special Committee.

45. The Chief Minister stressed that the recently initiated trilateral Forum of Dialogue was the only viable way forward. In July 2009, a third ministerial meeting had taken place between him and the Ministers for Foreign Affairs of the United Kingdom and Spain, the latter of whom had made a historic and unprecedented visit to Gibraltar. The Government of Gibraltar was enduringly committed to those discussions.

C. Position of the Government of Spain

46. The Deputy Permanent Representative of Spain, Román Oyarzun, made a statement before the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly on 9 October 2009. As reflected in the summary record (A/C.4/64/SR.6), the Deputy Permanent Representative recalled that, in numerous resolutions and decisions, the General Assembly had recognized that the colonial situation in Gibraltar was in violation of the Charter of the United Nations, since it undermined the unity and territorial integrity of Spain. The

principle of self-determination could not be applied to the decolonization of Gibraltar because the current inhabitants were not a colonized people but had been used to dispossess the indigenous Spanish population. The United Nations doctrine on the decolonization of Non-Self-Governing Territories firmly established the protection of the rights of the indigenous inhabitants vis-à-vis the interests of the colonizers.

47. In the case of Gibraltar, there were in fact, two overlapping disputes: the first, on sovereignty, referred to the Territory transferred under the Treaty of Utrecht that should be returned to Spain in application of the United Nations decolonization doctrine. The second dispute referred to borders, since part of the Territory had been occupied by the United Kingdom without any legal basis. Spain must fully recover jurisdiction over the isthmus, which in Spain's view, was currently being illegally exercised by the United Kingdom.

48. The Deputy Permanent Representative said that, although attempts had been made to convince the Committee to artificially separate the issues of decolonization and sovereignty and to consider them separately, the United Nations had consistently held that, in the case of Gibraltar, those disputes, which undermined the territorial integrity of Spain, were inseparable and constituted a clear violation of its decolonization doctrine. Since 1964, the United Nations had adopted numerous decisions and resolutions calling for bilateral negotiations between the United Kingdom and Spain, with a view to reaching a negotiated solution that took into account the interests of the inhabitants of the colony. The Government of Spain once again affirmed its readiness to resume direct talks with the United Kingdom.

49. The Deputy Permanent Representative concluded by saying that the Government of Spain would continue to work diligently within the Forum for Dialogue on Gibraltar, with a view to resolving issues relating to local cooperation for the social welfare and economic development of the inhabitants of Gibraltar and the Campo de Gibraltar. At the ministerial meeting of the Forum held in July 2009, with the participation of the Spanish Minister for Foreign Affairs and Cooperation, a framework had been established for continued progress in six new areas of cooperation, which, along with the measures adopted in the first phase of the Forum, would improve the well-being and standard of living of the inhabitants of Gibraltar and the Campo de Gibraltar.

D. United Kingdom-Spain negotiations

50. There were no bilateral negotiations on Gibraltar during 2009 within the framework of the so-called Brussels Process, which is separate from the Forum of Dialogue on Gibraltar. According to information provided by Spain, it has raised questions on sovereignty in conversations with the United Kingdom.

E. United Kingdom-Gibraltar discussions

51. The Governments of the United Kingdom and Gibraltar have both recognized that the 2006 Constitution provides for a modern and mature constitutional relationship between the two sides, one which is not based on colonialism.

52. As reflected in the previous working paper prepared by the Secretariat (A/AC.109/2009/15), both the Government of the United Kingdom and the territorial Government believe that the de-listing and decolonization criteria of the United Nations are anachronistic, and, at the same time, they recognize that, under Article 73 *e* of the Charter of the United Nations, the United Kingdom is obliged to continue to submit annual reports until such time as the General Assembly votes in favour of the removal of a Territory from its list of Non-Self-Governing Territories.

VIII. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

53. A representative of Spain attended the Caribbean regional seminar on the implementation of the Second International Decade for the Eradication of Colonialism, held in Saint Kitts and Nevis, from 12 to 14 May 2009, and made a statement.

54. The Special Committee discussed the question of Gibraltar on 9 June 2009, and had before it the 2009 working paper prepared by the Secretariat concerning the Territory (A/AC.109/2009/15). As reflected in the summary record (A/AC.109/2009/SR.4), statements were made by the representative of Spain and by the leader of the opposition in Gibraltar. On the proposal of the Chairman, the Committee decided to continue consideration of the question at its next session and, in order to facilitate consideration of the question by the Fourth Committee, to transmit the relevant documentation to the General Assembly.

B. Special Political and Decolonization Committee (Fourth Committee)

55. The Fourth Committee of the General Assembly considered the question of Gibraltar on 7 and 9 October 2009. On 7 October, as reflected in the summary record (A/C.4/64/SR.4), the Committee heard statements on the question of Gibraltar by the Chief Minister of Gibraltar, Peter Caruana, and a petitioner, Joseph Bossano, leader of the opposition. On 9 October, as reflected in the summary record (A/C.4/64/SR.6), statements were made by the Deputy Permanent Representative of Spain, Roman Oyarzun and, in exercise of the right of reply, by the Deputy Permanent Representative of the United Kingdom, Philip Parham, who referred to the statement made by the representative of Spain. At its 9th meeting, on 14 October, the Fourth Committee adopted draft decision A/C.4/64/L.5 on the question of Gibraltar, submitted by the Chair, without a vote.

C. Action by the General Assembly

56. At its 62nd plenary meeting, on 10 December 2009, the General Assembly, on the recommendation of the Fourth Committee, adopted decision 64/521, on the question of Gibraltar, without a vote. The decision reads as follows:

"The General Assembly, recalling its decision 63/525 of 5 December 2008 and the statements agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland in Brussels, on 27 November 1984,[4] and in Madrid, on 27 October 2004, and noting the establishment, pursuant to the latter, of the tripartite Forum for Dialogue on Gibraltar, separate from the Brussels Process, under the statement made jointly by the Governments of Spain, the United Kingdom and Gibraltar on 16 December 2004:

"(a) Urges both Governments, while listening to the interests and aspirations of Gibraltar, to reach, in the spirit of the statement of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;

"(b) Welcomes the recent successful trilateral Ministerial meeting of the Forum for Dialogue in Gibraltar on 21 July 2009 and the shared commitment to make progress in six new areas of cooperation."

[4] See A/39/732, annex.